

# TRPA Governing Board

*September 28, 2022*

## **Agenda Item VIII. A.**

**APPEAL OF PLAN REVISION ERSP2019-0389-01  
VERIZON CELL TOWER, 1360 SKI RUN BLVD., SOUTH  
LAKE TAHOE, CALIFORNIA, ASSESSOR'S PARCEL  
NUMBER 025-580-007; APPEAL NO. ADMIN2022-0036**

# TRPA Governing Board

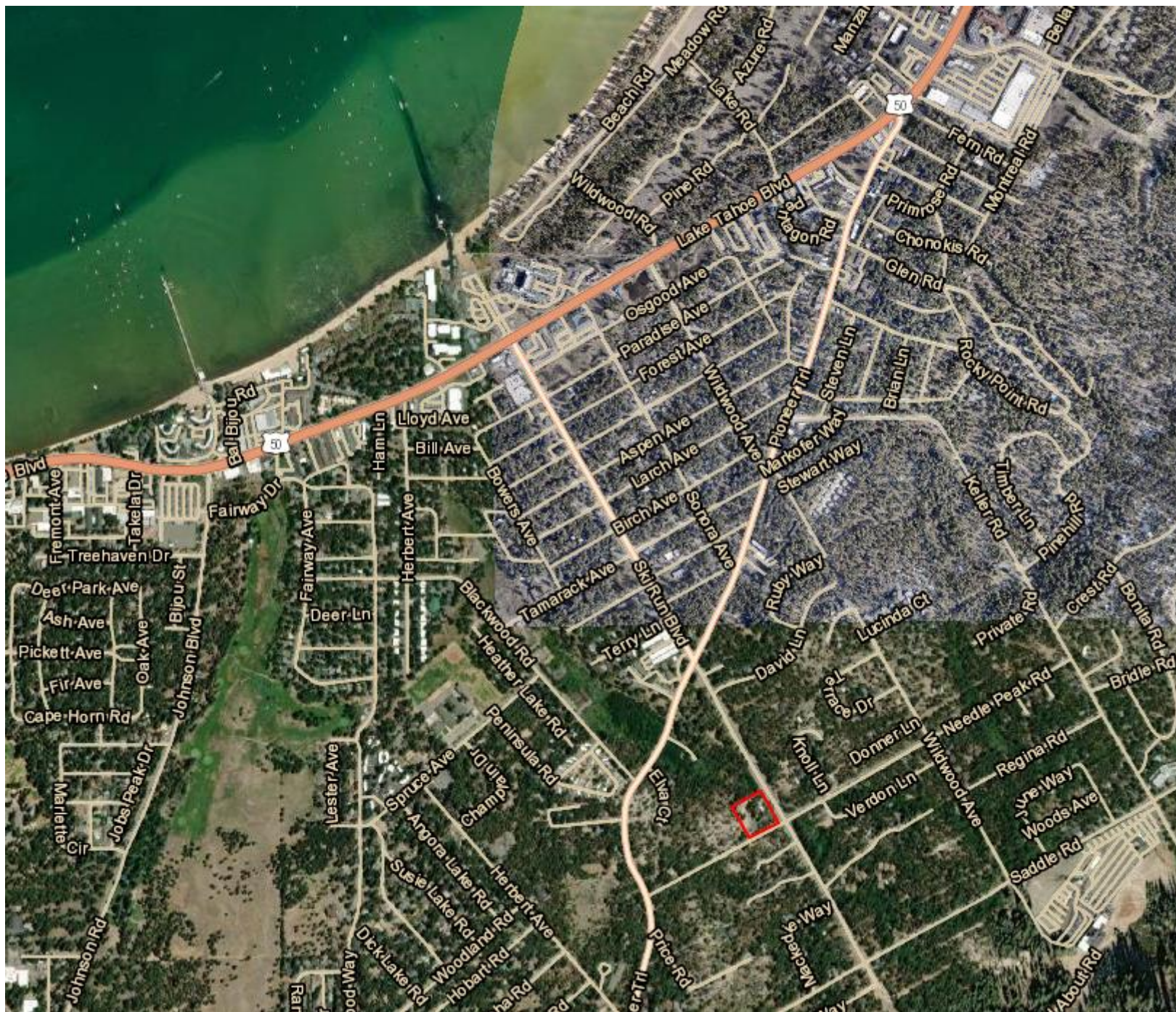
*September 28, 2022*

Agenda Item VIII. A.

## **STAFF PRESENTATION**

APPEAL OF PLAN REVISION ERSP2019-0389-01 VERIZON CELL  
TOWER, 1360 SKI RUN BLVD., SOUTH LAKE TAHOE,  
CALIFORNIA, ASSESSOR'S PARCEL NUMBER 025-580-007;  
APPEAL NO. ADMIN2022-0036





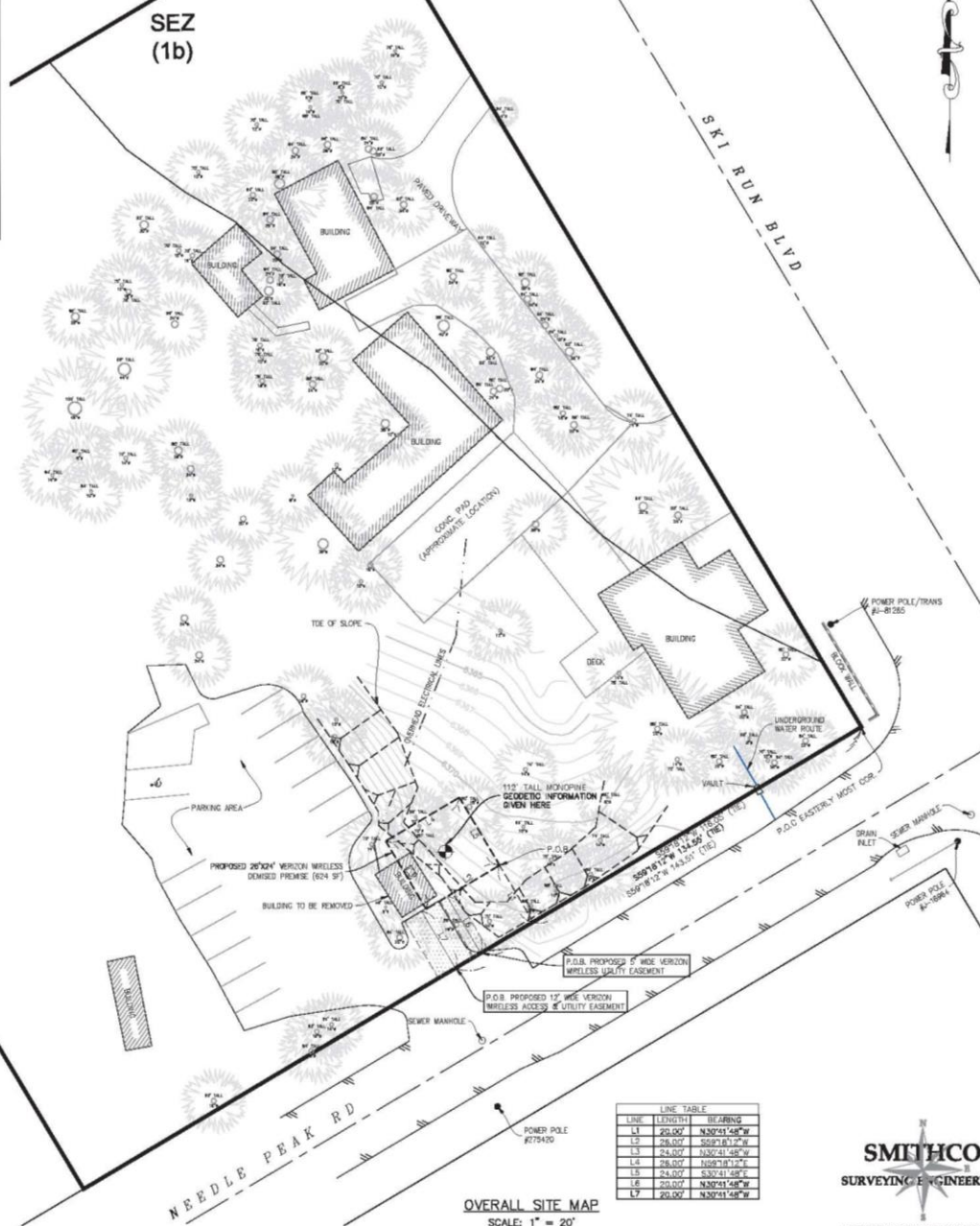


COVERAGE DATA			
TOTAL LOT AREA:	84,411 SQ FT		
	1.938 ACRES		
CLASS 1b (SEZ):	(18,726 SQ FT. 1%)	187 SQ FT	
CLASS 1a (TRF):	(87,478 SQ FT. 1%)	877 SQ FT	
BASE ALLOWABLE COVERAGE:		844 SQ FT	
COVERAGE SQ FT			
(PREVIOUSLY APPROVED)			
CLASS 1b	EXISTING	PROPOSED	
BUILDINGS	1,186	1,186	
ASPHALT	3,640	3,640	
CONCRETE WALKWAYS	921	921	
CLASS 1b SUBTOTAL:	5,727	5,727	
CLASS 1a			
BUILDINGS	3,863	3,153	
ASPHALT	6,403	6,403	
PAVED PARKING (NEEDLE PEAK)	170	0	
CONCRETE WALKWAYS	2,945	2,900	
SNACK SHACK	64	0	
EXPANDED EQUIPMENT SHELTER	0	432	
CELL TOWER FOOTING	0	304	
CLASS 1a SUBTOTAL:	13,345	13,192	
TOTAL CLASS 1a and CLASS 1b:	18,972	18,919	
BANKED CLASS 1a:	0	63	
TOTAL COVERAGE:	18,972	18,972	

TRF  
(1a)

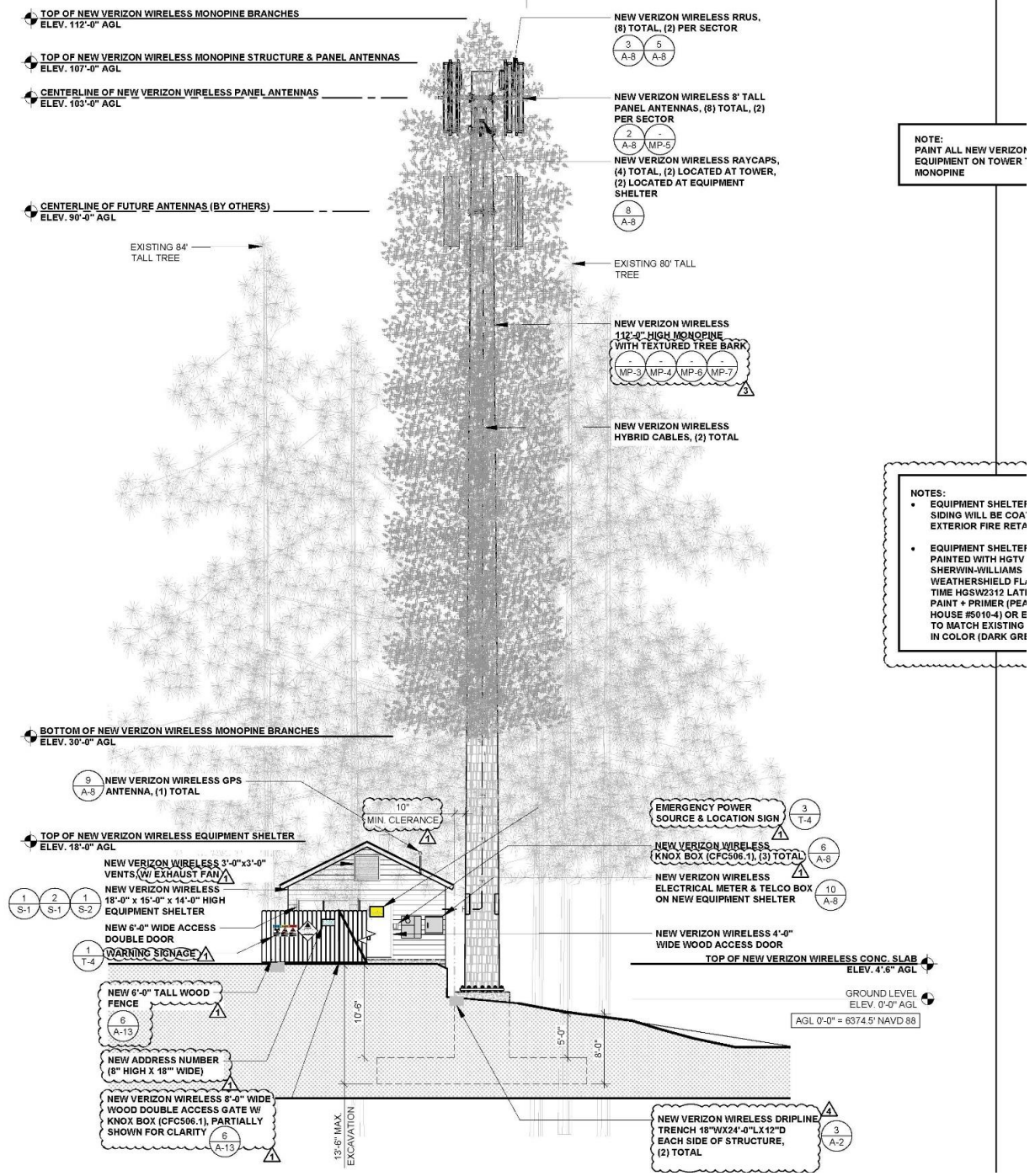
APN: 025-590-07-100  
OWNER(S): NEL GUILLIAM

LEGEND	
	SITE BOUNDARY LINE
	OVERHEAD UTILITY LINES
	PROPERTY LINE (PER RECORD)
	POWER POLE
	GROUND ELEVATION
	EDGE OF PAVEMENT
	UNDERGROUND COMM.
	UNDERGROUND GAS
	UNDERGROUND ELEC.
	UNDERGROUND SEWER
	UNDERGROUND WATER
	UNKNOWN UNDERGROUND
	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	EXCEPTION #
	CONCRETE PAD



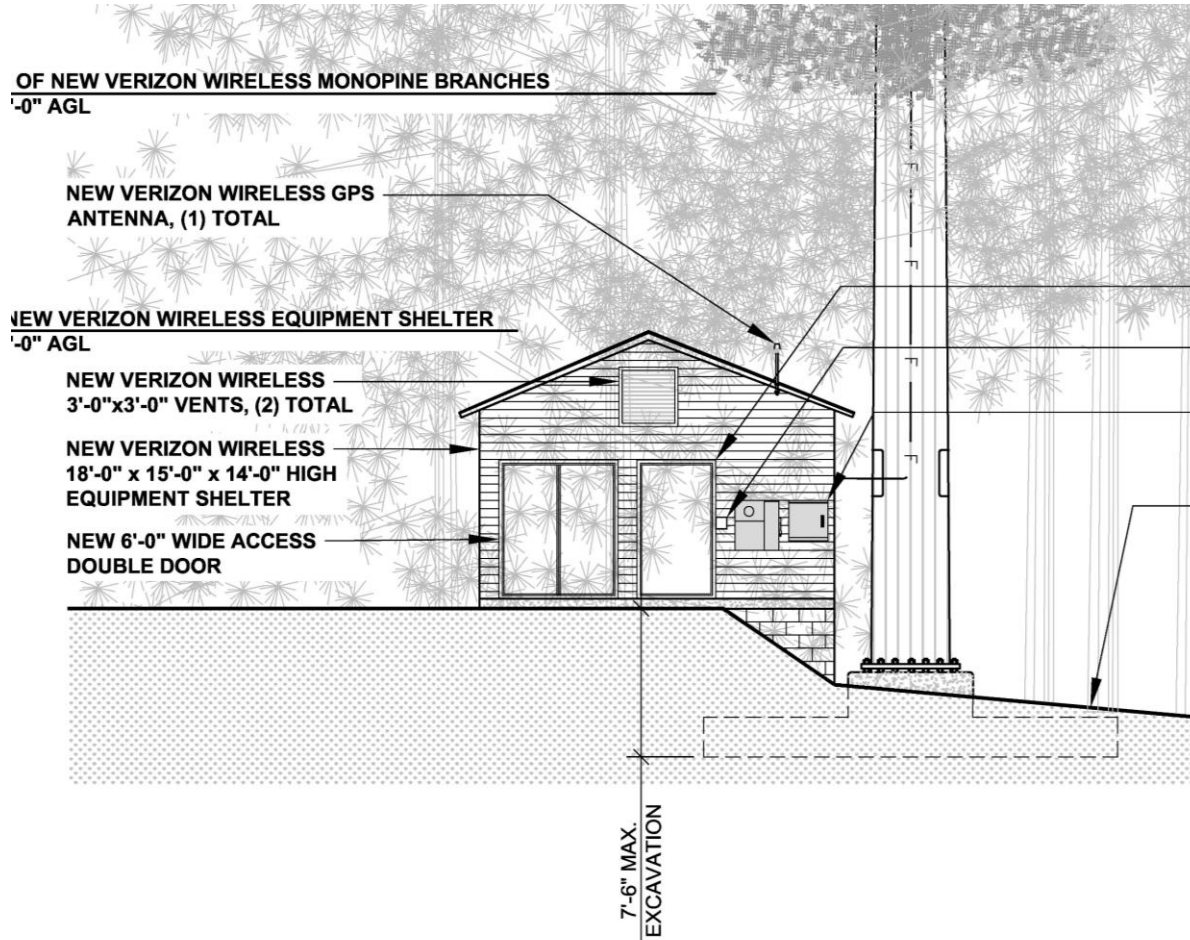
SMITHCO  
SURVEYING & ENGINEERING

P.O. BOX 8126 BAKERSFIELD, CA 93309  
PHONE: (805) 393-1317 FAX: (805) 393-1318



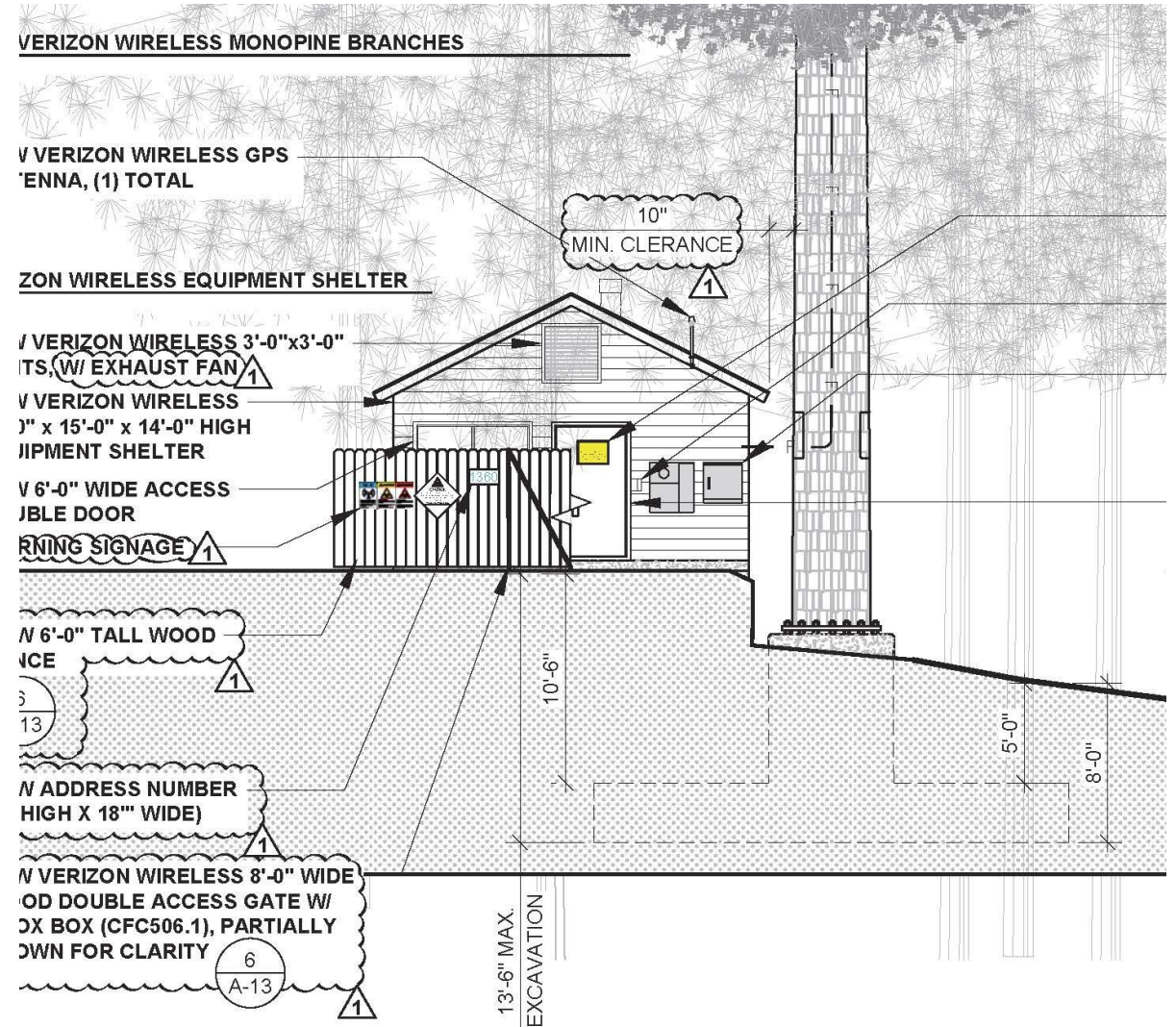


**WEST ELEVATION**



**WEST ELEVATION**

**VERIZON WIRELESS MONOPINE BRANCHES**



**EAST ELEVATION**

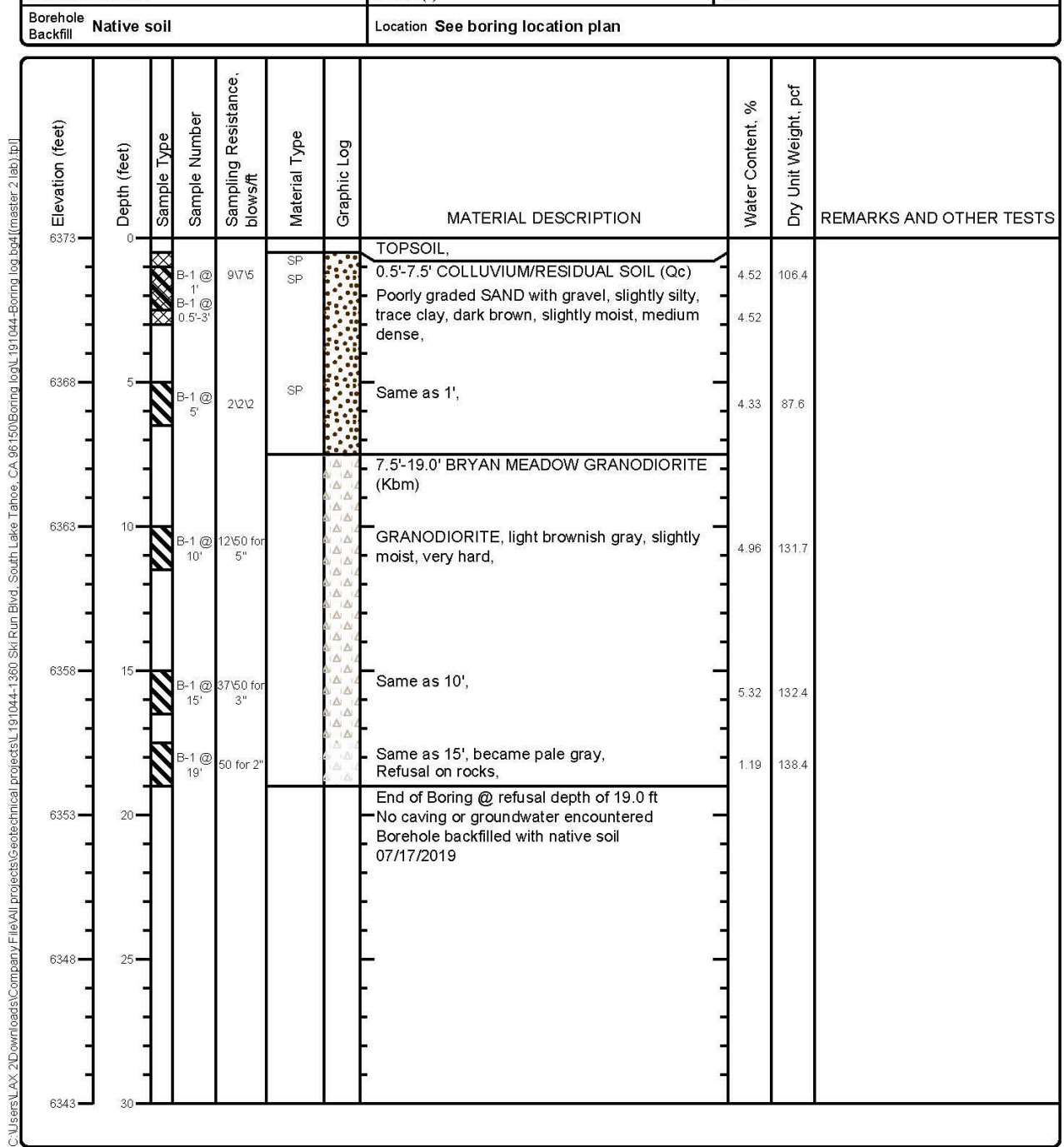
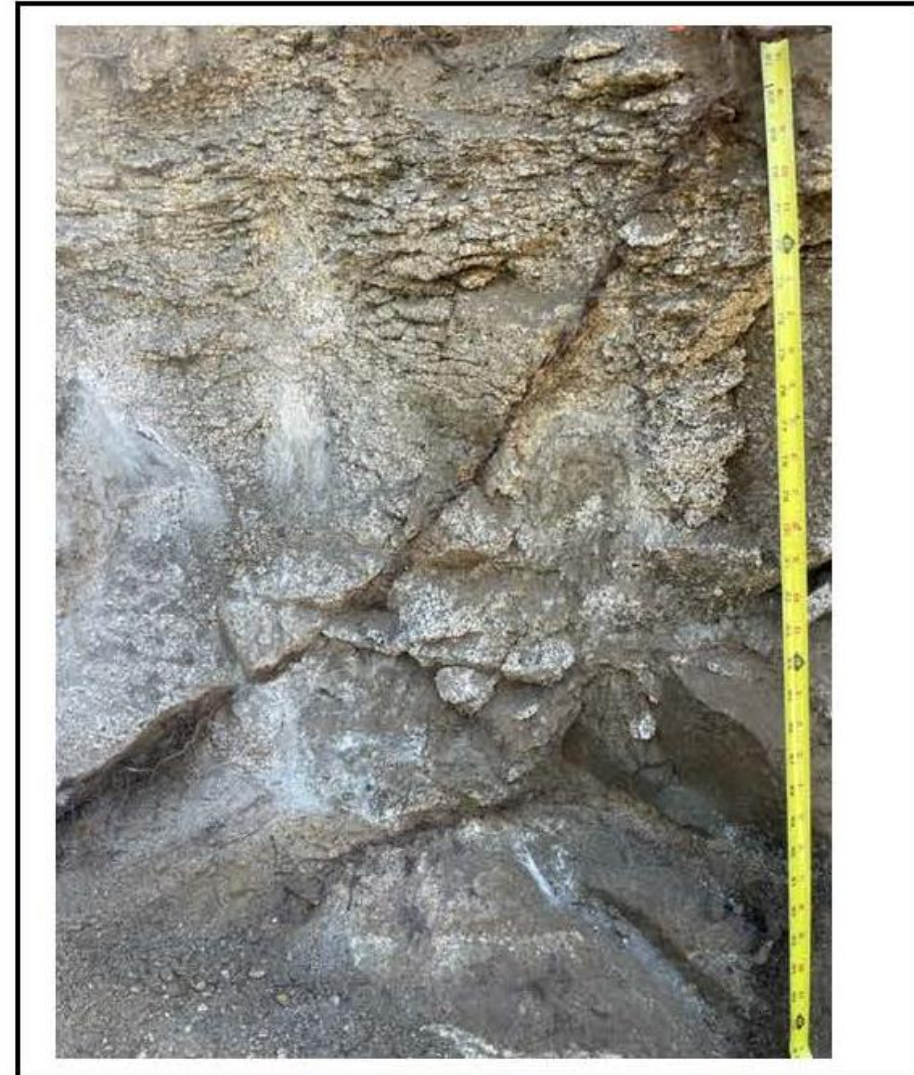


Figure 1





**Photo 1a. Soil profile description, 1b. Weathered and fractured bedrock.**











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*September 28, 2022*

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## **APPELLANTS' PRESENTATION**

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# Verizon Ski Run Tower Appeal

Alan Miller, PE

Sept 28, 2022

TRPA Appeal Hearing/Legal Committee



# Alleged Violations

- ROP 11.1 – 11.3 Hearing Rules and Stay-response- pushed ahead by one month, stay was late
- ROP 8.4: “Employees shall not accept . . . present compensation or arrange for future compensation for services already performed or to be performed, that give rise to an actual conflict of interest or that create an appearance of a conflict of interest.”

# Alleged Violations

- Rule 5.2.6 (Code 2.1) applicant is to fill out and certify an Environmental Impact Checklist (IEC) form for staff review. Appropriate environmental documentation, in accordance with Article 6 of these Rules” is required as a part of a complete application Incomplete Application: IEC Requirements unmet



# Alleged Violations

- ROP 5.2.1 A drainage report by a properly qualified professional was NOT required with content and methodology has been reviewed and approved in advance by TRPA.

# Alleged Violations

- A fee was required under ROP 5.2.1, was it for Major revision? A number of other necessities in the Checklist for a complete application were not checked (not provided), stating “NA,” including 9. Floor Plan, 11. Grading Plan (proposed cut and fill), and 12. Projects Requiring Hearing Officer or Board review.

# Alleged Violations

- ROP 5.28 the applicant didn't provide, and staff did not evaluate the application against, ROP 5.2.8. "All reports or studies necessary to show compliance with applicable provisions of the Compact, Regional Plan, Code, other TRPA plans, maps, programs, and rules." This is another backstop to require a proper soils-hydro report, besides the Permit Condition 3.F., that TRPA ignored.



# Alleged Violations

- Code 33.3.6.2; letters A and B of Code section 33.3.6.2. are independent requirements. Each must be met to approve an exception to section 33.3.6.2, irrespective of order.

# Alleged Violations

- A1. No basis for action based on geotech report. A2. No vegetation protection report.
- **B3. No measures included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow. THIS negates the consideration of exceptions under letter A. Letter A was violated by asserting this violation doesn't matter.**

# Alleged Violations

- Erroneous Findings: Chapter 50 – Additional Public Service Facility Findings:
  - **The additional facilities will provide improved wireless communication service in emergencies to help protect public health, safety, and welfare. (emphasis added)** “Data” is not cellular phone service
  - Orthodoxy
  - Design Class II does not support



# Alleged Violations

- **Land Coverage In Revised Final Permit Plans Exceeds Allowable Coverage**
- By the estimates in Exhibit 6, **if built according** to “Acknowledged” **final revised plans**, the Project will exceed allowed coverage for the Project on this sensitive parcel by either 49 square feet, 165 square feet, or 98 square feet
- **Staff DID NOT ADDRESS VIOLATIONS**

# SUMMARY

- Due to the great number of violations of law, illegitimate findings, reliance on a geotech report for soils and hydrology, inconsistent coverage, and other substantial matters of law and administration
- **TRPA MUST UPHOLD THE APPEAL**

# TRPA Governing Board

*September 28, 2022*

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## **PERMITEES' PRESENTATION**

APPEAL OF PLAN REVISION ERSP2019-0389-01 VERIZON CELL  
TOWER, 1360 SKI RUN BLVD., SOUTH LAKE TAHOE,  
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# ***Ski Run Boulevard Facility***

South Lake Tahoe, El Dorado County

TRPA Legal Committee and Board Hearing  
September 28, 2022

- **Michelle Duarte**, SAC Wireless
- **Paul Albritton**, Mackenzie & Albritton, LLP

# ***Application Timeline***

<b>July 2019</b>	Terradyne Engineering conducts soils/hydrological study to depth of 19 feet, finds no evidence of groundwater
<b>February 2019</b>	Verizon Wireless files permit application with TRPA
<b>January 2020</b>	City Council denies appeal and approves City permit
<b>May 2021</b>	TRPA approves land coverage calculations
<b>October 2021</b>	TRPA Hearing Officer approves permit
<b>February 2022</b>	Verizon Wireless files building permit application with City of South Lake Tahoe
<b>March 2022</b>	TRPA Board denies appeal and approves permit
<b>April 2022</b>	Terradyne Engineering confirms that 6-foot deeper excavation is feasible
<b>July 28, 2022</b>	City approves building permit
<b>August 2, 2022</b>	Verizon Wireless files request for 6-foot deeper excavation with TRPA
<b>August 5, 2022</b>	TRPA Staff approves deeper excavation
<b>August 17, 2022</b>	TRPA Staff approves plan revision showing deeper excavation
<b>August 22, 2022</b>	Opponent appeals excavation approval and requests stay of construction
<b>August 24, 2022</b>	Verizon Wireless agrees to voluntary stay of pouring concrete to September 28
<b>September 1 &amp; 14, 2022</b>	TRPA soils scientist inspects excavation and finds no evidence of groundwater
<b>September 28, 2022</b>	TRPA Legal Committee and Board review 6-foot deeper excavation

# ***TRPA Permit Condition Anticipated Deeper Excavation***

## **Condition 3.F of the approved permit:**

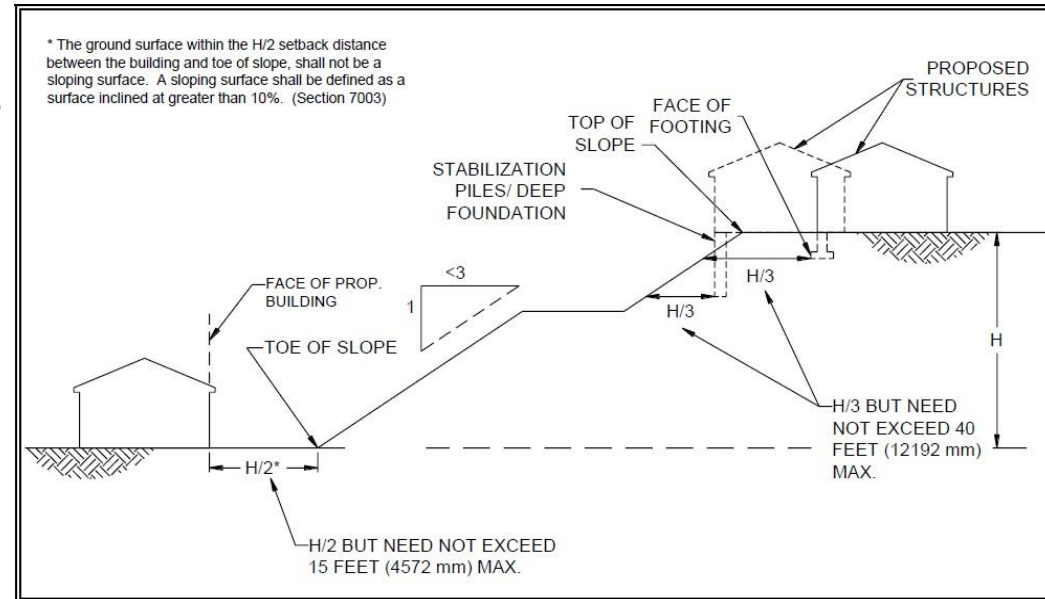
"...TRPA has approved an excavation depth of 7 feet 6 inches below ground surface (bgs). If the final design includes an excavation depth deeper than that, the applicant shall submit a new soils-hydro application to TRPA, seeking approval for the proposed excavation depth. TRPA shall approve the excavation prior to stamping final plans."

# Requirements for Excavation Depth

## California Building Code

Section 1808.7 provides formulas to calculate excavation depth, which required greater depth for mat foundation.

2019 CBC Figure 1808.7.1



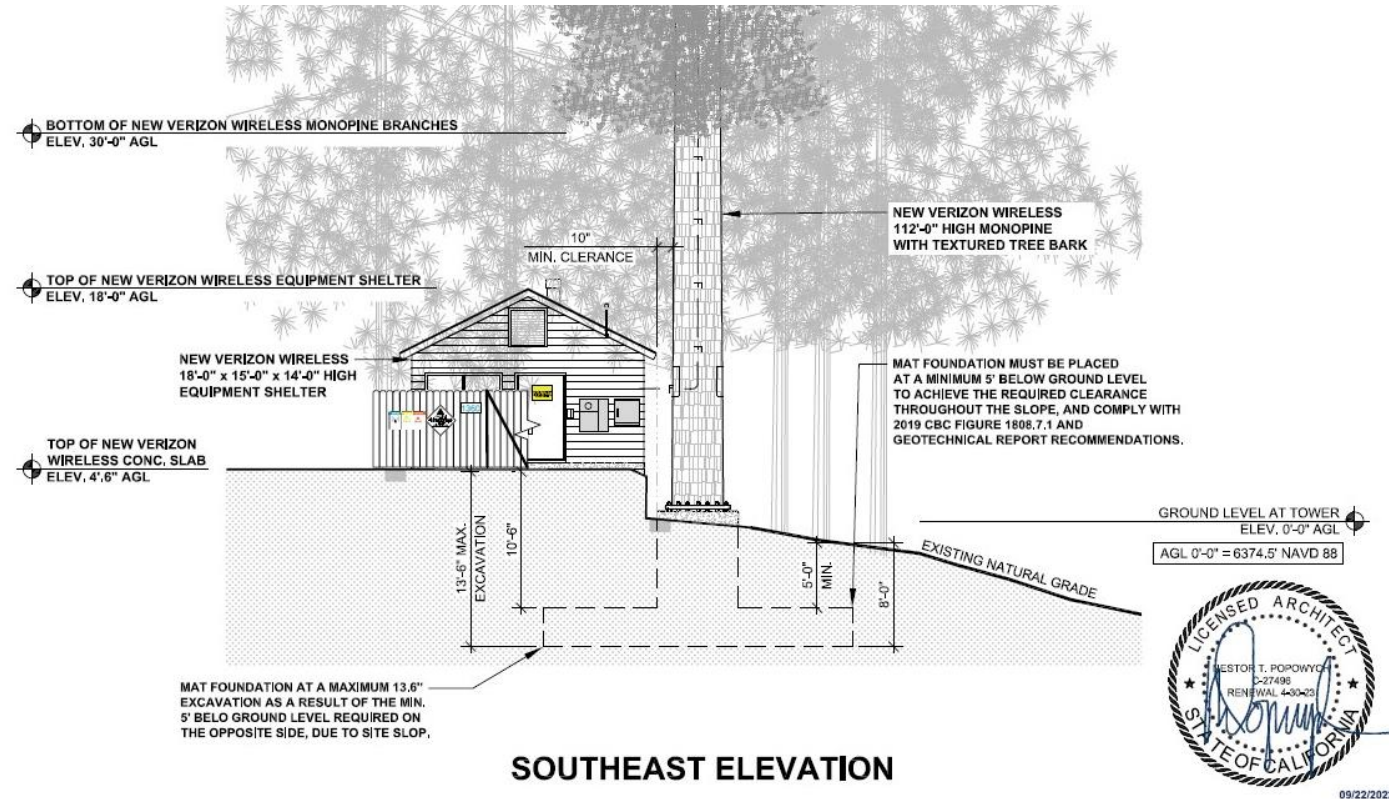
## Geotechnical Requirements

"Mat foundation should be embedded a minimum of 5-ft below the existing grade elevation."

—Terradyne Engineering *Geotechnical Investigation*  
July 2019



# Calculation of Excavation Depth



Top of the mat foundation must be placed farther below ground to achieve the clearance throughout the slope required to comply with 2019 California Building Code.

Geotechnical engineer recommendation requires top of mat foundation to be a minimum of five feet below ground level.

# ***Excavation Photos***

*September 1, 2022*



Excavation to 8 feet, hit bedrock.  
No evidence of groundwater.

*September 14, 2022*



Excavation to 13.5 feet.  
No evidence of groundwater.

# ***Inspection Found No Evidence of Groundwater***

“There was no evidence of groundwater in the excavation including any evidence of current seepage or dampness in the sidewalls of the excavation.”

- Krazan & Associates  
*Report of Findings, Groundwater Assessment*  
September 20, 2022



# ***Vegetation Management***

BMPs included in approved construction plans



- Orange construction fencing located at the edge of tree canopy
- Metal stakes beyond dripline
- Silt fencing and waddles (hay rolls) to prevent debris and silt exiting contained area





# ***Proper Disposal of Material***

TRPA inspector approved BMPs on site



- 1) Excavation of 8-foot pit with orange fencing protecting drip line per BMPs
- 2) Rock removal on site per BMPs
- 3) Sifting management:  
Separating usable soil from rock





## Experts available for questions:

- **Emilio Valerio-Hernandez**, SAC Wireless, PE
- **Jason Kidd**, SAC Wireless, Construction Manager

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## **APPELLANTS' REBUTTAL**

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**Board Member Comments  
and Questions**



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## **PUBLIC COMMENT**



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## **PUBLIC COMMENT**



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**Board Member  
Deliberation**

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## Agenda Item VIII. A.

A motion to grant the appeal.